

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Sturgis Miller**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AUTHORIZE THE DIVISION OF SANITARIAN SERVICES
9 OF THE ARKANSAS DEPARTMENT OF HEALTH TO REGULATE AND
10 CERTIFY TATTOO ARTISTS AND ESTABLISHMENTS; TO ESTABLISH AN
11 ANNUAL FEE FOR TATTOO ARTISTS CERTIFICATION TO DEFRAY THE
12 COSTS OF THE PROGRAM; AND FOR OTHER PURPOSES."

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14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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16 SECTION 1. Definitions. As used in this Act:

17 (a) "Division" means the Division of Sanitarian Services of the Arkansas
18 Department of Health.

19 (b) "Tattoo" means to make or color the skin by pricking in coloring
20 matter so as to form indelible marks or figures or by the production of scars.

21 (c) "Tattoo artist" means any person who performs the work of tattooing.

22 (d) "Tattoo establishment" means any room or space where tattooing is
23 practiced or where the business of tattooing is conducted.

24 (e) "Tattoo operator" means any person who controls, operates, conducts
25 or manages any tattoo establishment, whether performing the work of tattooing
26 or not.

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28 SECTION 2. Use of Disapproved Pigments Prohibited. No pigment
29 disapproved by the Food and Drug Administration shall be used to produce a
30 tattoo. The pigment used must be composed of ingredients which have been
31 evaluated and accepted by the Division. Ingredients contained in the pigments
32 must be provided to the Division upon request.

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34 SECTION 3. Requires Artist Certification and Fee Schedule. No person
35 except physicians licensed by the Arkansas State Medical Board shall engage in

1 the practice of tattooing or act as a tattoo artist without first securing an
2 artist certification from the Division and paying the fee established for the
3 certification. The certification shall expire December 31 of each year and
4 the fee shall be one hundred dollars (\$100.00) per artist. Any person more
5 than 60 days delinquent in the payment of the certification fee shall be
6 charged a late penalty in an amount equal to one-half of the certification
7 fee.

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9 SECTION 4. Artist Certification Requirements. No certification shall be
10 issued, renewed or reissued unless the applicant has reported on a form
11 prescribed by the Division the results of a physical examination of the
12 applicant conducted within 30 calendar days prior to the date of the
13 application which shall include a skin test for tuberculosis and blood tests
14 for AIDS, hepatitis, and syphilis.

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16 SECTION 5. Enforcement of Act. The Division shall enforce this Act for
17 the protection of the public health and the public welfare, and it shall
18 promulgate rules and regulations of procedure necessary to implement this Act,
19 and prescribe means, methods and practices to make this Act effective.

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21 SECTION 6. Reasonable Access. The Division, through its authorized
22 representative, shall have the authority to enter any place or establishment
23 where tattooing is being performed for the purpose of ascertaining whether the
24 requirements of this Act and the regulations of the Division have been met.

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26 SECTION 7. Proceeds Collected. All fees and fines collected under the
27 provisions of this Act shall be deposited into the State Treasury and special
28 revenues to be credited to the Public Health Fund, and the moneys shall be
29 used only for the operation of the Division. The unexpended balance of the
30 funds received from the collection of tattoo artist certification at the end
31 of each fiscal year shall not be considered as a part of the unexpended fund
32 balances of the Department of Health that are recovered by the State Treasurer
33 at the close of each year, and any such balance shall be carried forward to
34 the next fiscal year to be used for the support of the Division as provided by
35 law.

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SECTION 8. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 9. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 10. All laws and parts of laws in conflict with this Act are hereby repealed.

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